

Effective as of October 31, 2007

Nearly half of the states provide some form of coverage regarding autism treatments and services, and an additional four states have pending legislation. Vermont does not expressly require private insurance companies to cover any treatments and services.

This provides a summary of current laws and pending legislation in other states regarding the provision of services to individuals with autism spectrum disorders.

1. California

California law requires health insurers to cover autism services as they would mental illnesses. (CAL. Health & Safety Code §1374.72) “Every health care service plan contract...that provides hospital, medical, or surgical coverage shall provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses of a person of any age...For the purposes of this section, "severe mental illnesses" shall include...pervasive developmental disorder or autism.”

2. Colorado

- a) In May 2007, Colorado passed a law to require health insurers to pay into an early intervention fund that would pay for services including autism-related services for children up to age 3. (2007 COLO. SB 004)
- b) The state also passed a 1993 law that requires insurers to cover autism as they would other medical conditions. (COLO. REV. STAT. § 10-16-104.5)

3. Connecticut

Connecticut does not have a law specifically mandating coverage of autism. Instead, Connecticut requires health insurers to cover autism services as they would mental illnesses. (CONN. GEN. STAT. § 38a-488a and § 38a-514)

4. Georgia

Georgia law says that if a health insurance policy includes benefits for neurological disorders, it cannot deny benefits for autism-related services. (GA. CODE ANN. § 33-24-59.10)

5. Illinois

Illinois law requires health insurers to cover autism services as they would mental illnesses. (ILL. REV. STAT. ch. 73, para. 982c)

6. Indiana

Indiana law says that health insurance policies must include coverage for pervasive developmental disorders including autism. "Coverage may not be subject to dollar limits, deductibles, co-payments, or coinsurance provisions that are less favorable to an insured than

those that apply to physical illness. Insurers and HMOs cannot deny or refuse to issue coverage on, refuse to contract with, refuse to renew or reissue, or otherwise terminate or restrict coverage on an individual because of a pervasive developmental disorder diagnosis." (IND. CODE § 27-8-14.2)

7. Iowa

Iowa law requires health insurers to cover autism services as they would mental illnesses. (IOWA CODE § 225C.28B)

8. Kansas

a) Kansas law requires health insurers to cover autism services as they would mental illnesses. (KAN. STAT. ANN. § 40-2,105a)

b) The Kansas Autism Task Force is studying the issue of how to share the burden for autism services by engaging the insurance industry. A preliminary report is due in November 2007 covering the following: best practice recommendations for educating individuals with autism; strategies to increase the number and availability of qualified service providers to children with autism in all areas of Kansas; health insurance coverage for services related to autism; accessing education resources and funding; public dissemination of information, and the need for an autism registry.

9. Kentucky

Kentucky requires that health insurance plans include coverage, including therapeutic, respite and rehabilitative care, for the treatment of autism from age 2 to 21, up to a ceiling of \$500 per month (\$6,000/year) per child. (KY. REV. STAT. ANN. § Chapter 304.17A-143)

10. Louisiana

Louisiana law requires health insurers to cover autism services as they would mental illnesses. (LA. REV. STAT. ANN. § 22:669)

11. Maine

Maine law requires health insurers to cover autism services as they would mental illnesses. (ME. REV. STAT. ANN. tit. 24-A, § 2749-C)

12. Maryland

Maryland says that health insurance policies must cover "habilitative services" -- including occupational, physical and speech therapies for children born with a birth defect, including autism, up until they turn 19. The services are specifically not required to be reimbursed if they are provided through early intervention or school programs. (MD. CODE. ANN., [Insurance] § 15-835)

13. Massachusetts

Massachusetts requires private insurance to cover early intervention from birth to 3 years old. (MASS. GEN. L. ch. 175, § Section 47C)

14. Montana

Montana requires health insurers to cover autism services as they would mental illnesses. (MONT. CODE ANN. § 33-22-706)

15. New Hampshire

New Hampshire law requires health insurers to cover autism services as they would mental illnesses. (N.H. REV. STAT. ANN. § 417-E)

16. New Jersey

- a) New Jersey requires health insurers to cover autism services as they would mental illnesses. (N.J. REV. STAT. § 17:48-6v)
- b) In September 2007, a package of seven bills relating to autism spectrum disorders was signed by the Governor, including:
 - i) 2007 N.J. A4055 & S2558, providing for teacher training in awareness and instruction methods for students with autism and other developmental disabilities;
 - ii) 2007 N.J. A4056 & S2568, requiring the Early Intervention Program in the Department of Health and Senior Services to address the specific needs of children with autism spectrum disorders and their families, including developing guidelines for health care professionals to use in evaluating infants and toddlers for autism.
- c) Also in September, the state Supreme Court ruled in favor of a family seeking coverage for Applied Behavior Analysis.

17. New Mexico

In March 2007, Gov. Bill Richardson signed a bill requiring a study of autism services and insurance coverage, including appropriate funding mechanisms. (2007 N.M. SB 197) A report of findings is due to the legislative finance committee by November 1, 2007.

18. New York

- a) New York provides at least some coverage for autism-related services (e.g. policies are prohibited from excluding coverage for the diagnosis and treatment of ASD, including autism). N.Y. [ISC] § 3216)
- b) In February 2007, a bill was introduced to require health insurers to provide full coverage for the prevention, early detection, diagnosis and treatment of autism spectrum disorders. (2007 N.Y. Bill A00539A)

19. Ohio

Recommendations have been made by the Ohio Autism Taskforce for improvements in services for persons with autism and their families. In April 2007, legislation was introduced regarding insurance coverage for autism. (2007 Ohio HB 170)

20. Oregon

The Oregon Legislature passed a bill this year that requires health insurers to cover medical services for a child with a pervasive developmental disorder. [2007 OR. HB 2918]

21. Pennsylvania

In April 2007, the Autism Insurance Benefit Restoration Bill was introduced in the Pennsylvania house. The bill would create a new “Autism Spectrum Disorders Coverage” provision of the Pennsylvania insurance law. This provision would require private insurers to provide coverage of up to \$3,000 per month (\$36,000/year) for essential early intervention services and therapies for individuals with autism, including “behavioral interventions based on the principles of applied behavioral analysis and related structured behavioral programs for up to 40 hours a week.” The House and Senate passed separate bills that would require health insurers to cover autism services. (2007 PA. HB 1150 was referred to Banking and Insurance on 7/15/07; 2007 PA. SB 550 was re-referred to Rules on 9/26/07)

22. South Carolina

In May 2007, a bill was approved that requires health insurers to cover treatments for autism spectrum disorders, including coverage for behavioral therapy. (2007 S.C. ACT #0065, known as “Ryan’s Law”)

23. Tennessee

Tennessee law says that health insurance policies which include benefits for neurological disorders must provide equal benefits to children with autism spectrum disorders until age 12. (TENN. CODE ANN. § 56-7-2367)

24. Texas

In June 2007, a bill was approved that requires health insurance plans to cover autism-related services for children ages 3 to 5. (2007 TEX. H.B. 1919) It is estimated that Texas could save up to \$771.5 million in special education costs alone within the first 10 years of the bill’s passage. While the Texas bill limits the ages for children who can benefit from this coverage, it goes farther than some other states in terms of spelling out exactly what kinds of services are covered, including:

- Evaluation and assessment services
- Applied Behavior Analysis (ABA)
- Behavior training and behavior management
- Speech therapy
- Occupational therapy
- Physical therapy

- Medication or nutritional supplements used to address symptoms of autism spectrum disorder.

25. Virginia

Virginia requires health insurers to cover autism services as they would mental illnesses. (VA. CODE ANN. § 38.2-3412.1:01)

26. Wisconsin

In spring 2007, both the governor and Senate majority leader came out in support of legislation to mandate insurance coverage of autism-related services for children. The governor stated that autism treatment services are already covered by insurers in Kentucky and Indiana and resulted in a less than 1% percent bump in insurance premiums in those states. In May/June, 2007, bills were introduced in the Assembly and Senate. (In July a fiscal estimate was received for 2007 WIS. AB 417; in October, passage of 2007 WIS. SB 178 was recommended by the senate committee on Public Health.)